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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/377,908 | 08/20/1999 | SHIN KONDO | 046601-5019 | 8480 |

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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

ROGERS, SCOTT A

ART UNIT PAPER NUMBER

2626

DATE MAILED: 07/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/377,908

Applicant(s)

KONDO ET AL.

Examiner

Scott A Rogers

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 13 and 14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11, 12 and 15 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 16 and 17 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6-10 and 18-21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election of Group I (Claims 1-12 and 16-21) in the reply filed on 20 February 2004 is acknowledged. In view of the amendment to claim 15, this claim will be examined with the claims of elected Group I.

Claims 13 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected inventions, there being no allowable generic or linking claim.

Because applicant did not distinctly and specifically point out supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4, 5, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art in view of Furukawa et al (US 5241404).

Referring to claim 1:

Applicants admit on page 1 of the specification that image reading devices with a feeding part that feeds a copy (e.g., copy machines, facsimiles, image scanners) are known in the prior art.

Applicants do not admit that the prior art teaches a plurality of reading parts reading a feed copy whereby a noise detecting part compares image data output by the plurality of reading parts to detect stricky noise.

Furukawa et al disclose in the same field as the admitted prior art, an image reader (line sensor 8) comprising a plurality of reading parts that read the copy (see col. 4, lines 40-47) and a noise detecting part (decision circuit 56) that, when comparing image data outputted by said plurality of reading parts and detecting that a specific number of pixels of the image data (produced from odd and even reading parts) are not coincident as to a plurality of pixels arrayed in the sub scanning direction, determines that the image data output by a specific reading part among said plurality of reading parts contains streaky noises, i.e., a stripe pattern (see abstract and col. 5, lines 21-55). By virtue of decision circuit 56 determining the degree of difference in density between image data produced by odd and even reading parts of the image reader, stripe pattern noise is determined and any such irregularity is eliminated.

Referring to claim 4:

Furukawa et al disclose a noise eliminating part (selector 58) that, when said noise detecting part determines the image data to contain noise, removes the noise

from the image data outputted by said specific reading part (see abstract and col. 5, lines 9-21, 31-33, 41-11, 45-55).

Referring to claim 5:

Furukawa et al disclose the noise eliminating part (selector 58) removing the noise by replacing the image data outputted by said specific reading part with the image data outputted by another reading part (see abstract, col. 5, lines 31-33, 56-60, and col. 6, lines 28-35).

Referring to claim 16:

Claim 16 is the method claim corresponding directly with claim 1 and is rejected for the same reasons as claim 1.

Referring to claim 17:

It is inherent in Furukawa et al that the noise eliminating part applies the same process as that of said specific eliminating part in the sub-scanning direction with a plurality of lines in succession even after the noises are determined to be contained in view of claims 6 and 17 in Furukawa et al and since the output from line sensor 8 must pass through adjust circuit 50, which contains decision circuit 56 and selector 58.

Allowable Subject Matter

Claims 11-12 and 15 are allowed.

Regarding claim 11, the prior art searched and of record neither anticipates nor suggests in the claimed combination, conducting a majority operation among the image data obtained from said reading parts as to a plurality of pixels arrayed in the sub

scanning direction, and when inconsistencies of the image data are generated in succession between two or more reading parts, selecting one item of the image data belonging to the majority side as the output image data.

Regarding claim 12, the prior art searched and of record neither anticipates nor suggests in the claimed combination, selecting image data with the least difference between them when the noise detecting part detects that the image data are not coincident as to a plurality of pixels arrayed in the sub scanning direction in succession between two or more reading parts, and generating the output image data from these image data.

Regarding claim 15, the prior art searched and of record neither anticipates nor suggests in the claimed combination, switching the reading part for generating output images into a reading part having the smallest quantity of noises measured by the noise quantity measuring part.

Claims 2-3, 6-10, and 18-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art searched and of record neither anticipates nor suggests in the claimed combination, the feature added by each of these dependent claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott A Rogers whose telephone number is 703-305-4726. The examiner can normally be reached on Monday-Thursday 6:00am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly Williams can be reached on 305-4863.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-0377. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


SCOTT ROGERS
PRIMARY EXAMINER

25 July 2004